



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,554	11/09/2001	Hajime Ashihara	Q67202	5906
7590	04/07/2006		EXAMINER	
<b>SUGHRUE, MION, ZINN, MACPEAK &amp; SEAS, PLLC</b> 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213				POND, ROBERT M
		ART UNIT	PAPER NUMBER	3625

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,554	ASHIHARA, HAJIME	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-10 and 12-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/15/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant canceled claims 1 and 11, and amended claims 2-10 and 12-20. Claims were significantly amended to warrant a final office action as necessitated by amendment; however, the Examiner believes a non-final office action as necessitated by new grounds of rejection better serves the Applicant and the Patent and Trademark Office.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-10 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 2-10 and 12-20 are rejected under 35 USC 103(a) as being unpatentable over Woolston (US 5,845,265) in view of Walker (US 6,108,639), further in view of Ghosh (PTO-892, Item: U).**

Woolston teaches a system and method of creating a computerized market for used and collectible goods by use of a market maker computer. Woolston further teaches:

- Transmitting sales information from an agent server to a user terminal via a communications network: market maker computer receives product listings from sellers, posts the product listings for participants to access, view, and purchase (see at least abstract; col. 1, line 3 through col. 16, line 7). Seller takes item and physically presents to market maker computer managing a consignment node (see at least Fig. 1; col. 2, lines 20-67). For example, Woolston discloses a seller posting a product listing via the market maker computer wherein the participant (i.e. buyer) purchases it at the storefront (see col. 1, lines 37-41). Please note: seller is not connected to participant over the communication's network.

- Displaying at the user terminal; selecting an item: (see at least Fig. 8 (450-460); col. 13, lines 22-56).

Woolston teaches all the above as noted under the 103(a) rejection and further teaches a) participants acquiring products via online auctions (see at least col. 5, lines 46 through col. 6, lines 67), and b) provisions to deter fraud through misrepresentation of bone fides of the goods or through financial fraud (see at least col. 18, lines 46-62), but does not disclose the user requesting an inspection report. Walker teaches a system and method for collectors to buy and sell collectibles in an online format, providing a third-party inspection service to remove buyer concerns about authenticity of a collectible, and teaches the seller being directed to send the item(s) to an authenticator for a third-party inspection (see at least abstract; col. 2, lines 49-63; col. 3, line 21 through col. 4, line 37). Walker further teaches the authenticator determining the item to be valid or invalid and notifying the system (i.e. receives report back from authenticator) (see at least col. 12, line 35 through col. 13, line 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston to have a third-party inspect goods to be purchased and to issue a reporting indication whether the item is valid or invalid as taught by Walker, in order increase sales by attracting buyer who otherwise would be leery of using an online shopping site.

Woolston and Walker teach all the above as noted under the 103(a) rejection and substantially teach the claimed invention by providing bidirectional

communication between the buyer and the system to accept/cancel a purchase and to initiate request for inspection services, interaction between the seller and the system and the third-party authenticator, and charging the seller for the inspection service. Woolston and Walker, however, do not teach the buyer paying for an inspection. Ghosh teaches an online auction system that builds trust into the selling process by providing inspections services. Ghosh further teaches the buyer paying for more detailed physical inspection by one of the world's largest third-party inspections services (U: see at least pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston and Walker to charge the buyer for inspection services as taught by Ghosh, in order to cover costs associated with a detailed report.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collectingchannel.com; Internet Archive Wayback Machine, www.archive.org; www.collectingchannel.com; teaches users paying for third-party appraisal services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Fadok can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR \

Art Unit: 3625

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
April 3, 2006